APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,655	09/18/2003	William R. Dorow JR.	ROC920030152US1	8564

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EXAMINER
LU, CHARLES EDWARD

ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/665,655	DOROW ET AL.
Office Action Summary	Examiner	Art Unit
	Charles E. Lu	2163

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>9/18/2003</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>18 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. Claims 1-28 have been submitted for examination.

2. Claims 1-28 have been rejected.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 1, no useful, concrete, and tangible result appears to be realized by the claimed apparatus. For example, the hierarchy of information (line 6) may or may not be displayed, and therefore, at least no concrete result is realized. Furthermore, the framework mechanism defines logic (line 8) operating on external data thereby achieving a separation between logic and data, however this is too preliminary to be taken as a useful and tangible result. Furthermore, the claim as a whole appears to be drawn to an abstract idea and thus does not appear to be a practical application to produce a useful, concrete, and tangible result.

As to claim 2, it is reasonably interpreted that the hierarchy (line 2) may or may not be displayed by the platform-dependent graphical user interface, and therefore, claim 2 does not provide a useful, concrete, and tangible result. Additionally, claim 2 inherits the deficiencies of claim 1.

Claims 3-7 are rejected because they inherit the deficiencies of parent claim 1 and fail to cure them.

Claims 8-9 are rejected for similar reasons as claim 1.

Claims 10 and 12-14 are rejected under 35 U.S.C. 101 because they depend from rejected claim 9 and fail to cure its deficiencies.

Claim 15 is rejected for similar reasons as claim 9.

Claim 16 is rejected for similar reasons as claim 2.

As to claim 17, the claimed program product is reasonably interpreted as being on a signal (see specification, p. 13, first paragraph), which is non-statutory (See Interim Guidelines).

As to claims 18 and 19, because the specification merely provides examples of recordable and transmission media, and the claims require a signal bearing media, it is reasonably interpreted that claims 18 and 19 intend to cover signals, which are non-statutory.

Claims 20-25 are rejected under 35 U.S.C. 101 because they depend from rejected claim 17 and fail to cure its deficiencies.

Claims 26-28 are rejected for similar reasons as claims 17-25.

The art rejection of the above claims is applied in anticipation of Applicant amending the claims to overcome the rejection under 35 U.S.C. 101, discussed above.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, there is insufficient antecedent basis for the limitation "the logic in the framework mechanism" in line 10.

Claims 2-7 are rejected because of their dependency on rejected claim 1.

As to claim 6, there is insufficient antecedent basis for the limitation "the hierarchy of information...model" in line 3.

As to claim 8, there is insufficient antecedent basis for the "the logic in the framework mechanism" in line 12 and "the hierarchy of information...model" in line 15.

As to claim 9 and 15, there is insufficient antecedent basis for "the new product" in line 10.

Claims 10-14 and 16 are rejected because they depend from rejected claims 9 and 15.

As to claim 17, there is insufficient antecedent basis for the limitation "the logic in the framework mechanism" in line 7.

Claims 18-25 are rejected because of their dependency on rejected claim 17.

As to claim 24, there is insufficient antecedent basis for the limitation "the hierarchy of information...model" in line 3.

As to claim 26, line 6, there is insufficient antecedent basis for the limitation "the product configuration selection data in the database" on line 6, "the logic in the

framework mechanism" in line 7, "the data upon...operates" on line 8, and "the

hierarchy of information...model" in line 10.

Claims 27-28 are rejected because of their dependency on rejected claim 26.

The broadest reasonable interpretation of the above terms in light of the

specification has been given to the claims. Art rejection of the above claims is applied

as best understood in light of the rejection under 35 U.S.C. 112, second paragraph,

discussed above.

Claim Rejections - 35 USC § 103

7. This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

9. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoskins et al (U.S. Patent 6,167,406).

As to claim 1, Hoskins et al teaches the claimed subject matter including:

At least one processor (col. 7, II. 1-20);

A memory coupled to the at least one processor (col. 7, II. 1-20);

An object oriented framework mechanism (e.g., col. 10, l. 6 – col. 11, l. 50). The framework mechanism is software that has to reside in the memory and be executed by the processor, since this is a computer software system.

The framework mechanism comprising a product configuration selection model (col. 4, II. 50-62, col. 16, II. 1-17, col. 32, II. 30-60 and related text on "Designer Studio") that defines a hierarchy of information (col. 32, II. 50-60) that may be presented to a user for product configuration selection determination (see fig. 8); and

That defines logic (e.g., col. 33, l. 25 – col. 34, l. 34) that specifies at least one relationship between items in the hierarchy of information (also see related fig. 14);

The logic operating on data stored external to the framework mechanism (col. 25, l. 1 – col. 26, l. 4, fig. 5a, col. 33, l. 52 – col. 34, l. 34) thereby achieving a separation between the logic in the framework mechanism and the data upon which the logic in the framework mechanism operates.

Hoskins does not expressly teach a platform independent product configuration selection model.

However, Hoskins teaches utilizing Java, C, and C++ languages (e.g., col. 7, II. 21-30). Hoskins further discusses that Java is an architecture neutral and platform

independent language (col. 12, II. 29-40). Therefore, the platform configuration selection model could be written in Java, making the model architecture neutral and platform independent as described above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Hoskins with the above teachings, such that the model is platform independent. The motivation would have been to allow the model to be interpreted on different kinds of computer systems, as known to one of ordinary skill in the art.

As to claim 2, Hoskins of claim 1 further teaches a platform dependent graphical user interface (note usage of C++, col. 16, II. 1-3, col. 80, II. 15-20) that uses the framework mechanism to display the hierarchy of information to the user (see above).

As to claim 3, claim 4, and claim 5, Hoskins of claim 1 further teaches wherein the hierarchy includes at least one page, one selection group, and one selection item in each selection group (note the features in the graphical user interface, e.g., fig. 8 and throughout the document).

As to claim 6, Hoskins of claim 1 further teaches wherein the logic operates on the external data, thereby causing a change in the external data to be autonomically reflected in the hierarchy of information in the platform independent product configuration selection model (e.g., col. 25, II. 1-54, col. 33, I. 52 – col. 34, I. 34).

As to claim 7, Hoskins of claim 1 further teaches wherein the framework mechanism comprises a plurality of extensible object oriented classes (e.g., col. 8, II.

16-34, col. 9, ll. 37-42, note that Hoskins is programmed in an object oriented

language).

Claim 8 is rejected because it contains the subject matter already addressed for

claims 6 and 1, in addition to a database residing in the memory, the database including

product configuration selection data (see "enterprise control database", col. 14, l. 57,

col. 16, ll. 17-22, col. 33, l. 52 – col. 34, l. 34) and the logic operating on the product

configuration selection data in the database (e.g., col. 16, ll. 1-22), both taught by

Hoskins.

Claim 9 is rejected because it is drawn to a method containing the subject matter

already addressed for claim 1, in addition to updating the product information selection

data to include data related to a new product (col. 81, l. 9 – col. 83, l. 15, col. 82, ll. 24-

32) and the framework mechanism autonomically adding the new product to the

hierarchy of information based on the data related to the new product (col. 82, ll. 24-32),

both taught by Hoskins.

As to claim 10, Hoskins of claim 9 does not expressly teach extending at least

one class in the framework mechanism.

However, Hoskins teaches that it is possible to extend and modify objects

(classes) through deriving new kinds of objects from the standard classes available in

the system (col. 9, ll. 37-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Hoskins with the above teachings, such that a

class in the framework is extended. The motivation would have been to create new capabilities without starting from scratch, as taught by Hoskins (col. 9, ll. 42-43).

Claims 11-16 are rejected because they are drawn to methods containing subject matter already addressed above with respect to claims 2-5 and 12-14.

Claim 17 is rejected because it is a program product containing the same subject matter as claim 1 addressed above, in addition to a computer readable signal bearing media (e.g., memory of Hoskins, fig. 1A) bearing the framework mechanism.

As to claim 18, Hoskins further teaches wherein the signal bearing media comprises recordable media (see memory of Hoskins, fig. 1A).

As to claim 19, Hoskins of claim 17 further teaches wherein the signal bearing media comprises transmission media (e.g., see bus of fig. 1A).

Claims 20-25 are rejected because they are drawn to program products containing subject matter already addressed above with respect to claims 2-7.

Claim 26 is rejected because it is a program product containing the same subject matter as claim 8 addressed above, in addition to computer readable signal bearing media bearing the framework mechanism, also addressed above.

Claims 27-28 are rejected because they are drawn to program products containing subject matter already addressed above with respect to claims 18-19.

Conclusion

10. The following prior art cited on the PTO-892 form, not relied upon, is considered pertinent to applicant's disclosure:

Gish, Sheri. U.S. Patent 5,768,510. "Object Oriented System, Method, and Article of Manufacture for a Client-Server Application Enabler System".

Bentley et al. U.S. Patent 5,815,415. "Computer System for Portable Persistent Modeling."

Leung, Wyatt. U.S. Patent 5,822,580. "Object Oriented Programming Based Global Registry System, Method, and Article of Manufacture."

Schwenke et al. U.S. Patent 6,157,864. "System, Method, and Article of Manufacture for Displaying an Animated, Realtime Updated Control Sequence Chart."

Verba et al. U.S. Patent 6,236,966. "Computer Implemented Marketing System."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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